

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against

JOSE MIGUEL MARTE,

Defendant.
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KIMBA M. WOOD, District Judge:

On December 20, 2006, Jose Miguel Marte ("Defendant") was sentenced principally to a term of imprisonment of 220 months' following his plea of guilty to Conspiracy to Distribute and Possess with Intent to Distribute Heroin and Distribution and Possession with Intent to Distribute Heroin. The Defendant's sentencing guidelines range was 235 to 293 months' imprisonment, based on an offense level of 38 and a criminal history category of I. The Bureau of Prisons currently projects that the Defendant will be released from prison on January 15, 2019.

Effective November 1, 2014, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual to lower the guideline sentencing range for certain categories of offenses involving drugs. The Sentencing Commission also adopted an amendment to § 1B1.10 of the Guidelines authorizing, effective November 1, 2014, retroactive application of the amendment to the drug guidelines. This amendment also specifies that no defendant can be released prior to November 1, 2015. Accordingly, it is hereby

ORDERED that the Federal Defender/CJA counsel in this District is appointed to represent the Defendant in connection with this Court's consideration of whether the

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ORDER
02 CR 1490 (KMW)

Defendant's sentence should be modified in light of the amendment to the drug guidelines.

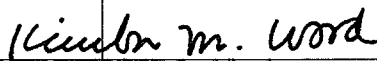
IT IS FURTHER ORDERED that no later than January 7, 2015, the Government shall file a statement of its position on the modification of the Defendant's sentence to reflect the full effect of the revision of the offense level for drug offenses.

IT IS FURTHER ORDERED that the Defendant shall file his position on a modification of his sentence no later than January 21, 2015.

IT IS FURTHER ORDERED that the Government's reply, if any, is due January 28, 2015.

IT IS FURTHER ORDERED that when filing their submissions, the parties shall provide the Court with one courtesy copy by delivering a copy of the submission to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

Dated: New York, New York
December 18, 2014



KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE